

UNITED STATES DISTRICT COURT
District of New York

UNITED STATES OF AMERICA,)
Plaintiff,)
versus)
Kaveh L. Afrasiabi,)
Defendant.)

Case No: 21-MJ-50

**DEFENDANT'S EMERGENCY LETTER TO COURT DEMANDING AN IMMEDIATE
HEARING ON THE MOTION TO DISMISS**

Defendant Kaveh Afrasiabi, pro se, respectfully requests from the court to hold an immediate hearing in the near future on the Defendant's Motion to Dismiss, in the interest of justice and the Defendant's civil, constitutional, and human rights, which have been repeatedly abused in the United States with impunity. As a victim of gross human rights abuse, who has endured 4 (four) previous episodes of outrageous rights abuse in the form of criminal charges and proceedings against him, all of which were terminated in the Defendant's favor short of any trial, without the imposition of even one day jail term or any probation, it is supremely unfair to subject the Defendant to the ordeal of yet another lengthy criminal procedure that, much like the previous episodes, is malicious in nature and built upon trumped-up charges.

With respect to the previous 4 (four) episodes of gross injustice, Defendant turns the Honorable Court's attention to the Defendant's "Brief Chronology of My Rights Abuse in America" that is available on the internet under the following web address:
<https://www.scribd.com/document/492125380/Chronology?fbclid=IwAR3zbaN1EIA90weseM7niqqAcclDHhVn2F3yYtBceMM8XoP3bq1EHd9T8Zw>

Also, the Defendant turns the Court's attention to his book, Looking For Rights At Harvard, which has blurbs by the famed historian Howard Zinn, expressing his outrage at Harvard police's abuse of Afrasiabi's human rights, exactly 25 years ago, as well as M.I.T. linguist professor Noam Chomsky and the CBS' "60 Minutes" correspondent, Mr. Mike Wallace, who testified on behalf of the Defendant in his civil rights action against Harvard police in the federal court in Boston, in January, 1999. The amazon link for this book is as follows:

<https://www.amazon.com/Looking-Rights-Harvard-Kaveh-Afrasiabi/dp/1439268835>

The appendix to this book contains Mr. Wallace's letter to justice Joseph Tauro, praising Afrasiabi as a respected Middle East scholar. Both Mr. Mike Wallace and his son Chris Wallace have written glowing letters of recommendation for the Defendant, as Afrasiabi has in the past worked as consultant to both CBS' "60 Minutes," ABC' "20/20" as well as FoxNews.

Dear Judge Korman:

Notwithstanding all the grievous past sufferings, which include two episodes of head injuries sustained while in police custody, requiring repeated ER visits and months of treatment by a head specialist, as can be readily confirmed from attorney William Keefe who represented the Defendant on

two of those wrongful imprisonment cases, the Defendant states that sadly his cup of injustice is full and there is a limit to how much injustice a person can take in his life-time. As stated in the “Chronology,” Defendant spent 51 days in solitary confinement in late 2014 over a mere unpublished email to professor Chomsky and a number of others simply criticizing the racist mistreatment by the justice system, until he was ordered released by the state’s highest court that found the Defendant had done absolutely nothing wrong and had simply exercised his freedom of speech.

What kind of country throws a university professor and published author with no criminal history in jail for nearly two months for daring to write an email questioning an unconstitutional gag order (which the Mass. Supreme Judicial Court also found to be illegal)? And, again, what kind of country nearly kills a person, just like Freddie Gray in Baltimore, in the back of a patty wagon, falsely accused of not having paid a 20 year old ticket, which turned out Defendant had paid? Defendant still vividly remembers the multiple bruises he suffered and his time at Cambridge Hospital over that incident, reported in Cambridge Chronicle.

But, of course, these pale in comparison to the huge indignity of being labeled an extortionist and death stalker by Harvard police, loudly broadcast to the world, which led to the loss of Defendant’s teaching job and even his divorce at that time. Defendant is now seriously contemplating staging a hunger strike to protest the grotesque, Orwellian abuses of his human rights in America that have resulted in a great deal of pain and suffering for him and his family over the past 25 years. Defendant has lived in the US for more than 45 years, honorably and with integrity committed to his social scientific calling as a political scientist as well as theologian, poet and fiction writer, and refuses to take part in yet another sham process that, much like in the past, is rife with outrageous lies and fabrications against him – tantamount to cruel and unusual, and certainly un-American, punishment, bound to chew up yet another big slice of his life like in the past.

With respect to the present charges against him, Defendant assures the Court that these are just as meritless as the all the previous charges, piling on top of a mountain of gross injustices to him. Suffice to say the following:

(a) Defendant challenges the government to produce a single evidence that he ever engaged in a conspiracy to violate the FARA Act. This is a preposterous lie lacking even a scintilla of evidence?

(b) Defendant challenges the government to produce a single article or book written by the Defendant that corroborates their false claim that Afrasiabi “disguised propaganda as objective analysis.” Afrasiabi has written 17 books and over 1500 articles, invariably according to his unwavering commitment to truth, and yet the government has engaged in the shennanigan of child play with fabricated emails as a poor substitute for any of his massive archive of published writings.

(c) Defendant challenges the government to produce a single evidence that the Iranian government instructed or controlled his writings, or that he ever wrote anything for the sake of advancing Iran’s interests. Rather, as a country expert, Afrasiabi consistently over 30 years wrote opinion articles, some of which were critical and some also critical of US policy toward Iran, particularly during the Trump administration that tore an internationally-binding nuclear agreement instead of building on it. Afrasiabi is no more an agent of Iran for being critical of Trump’s Iran policy, and ardent support of the nuclear deal, than hundreds of other nuclear experts who have expressed similar views. To misconstrue this matter, as the government has done, speaks a great volume about the Kafkaesque vortex that the Defendant presently finds himself.

(d) Defendant challenges the government to produce a single evidence that Afrasiabi’s part-time consulting with the Iranian mission to the UN was not allowed under the UN rules, in light of the routine practice of country missions to hire outside consultants? If so, why doesn’t the government’s complaint make any reference to this important fact?

(e) Defendant challenges the government to produce a single evidence that Afrasiabi ever tried to conceal his consulting role abovementioned? If that were the case, Afrasiabi would not regularly deposit his check at Chase Manhattan Bank for years, until the bank closed his account due to his UN affiliation. And, certainly, Afrasiabi would not have repeatedly, at least on six occasions, placed his name on the short list of dignitaries meeting with various Iranian presidents, and repeatedly sit next to the presidents of ABC, CBS, CNN, etc., or repeatedly go through security clearance at the federal buildings for his numerous interviews on Voice of America, not to mention his extensive support for the family of FBI agent missing in Iran, Robert Levinson, who told him they were coordinating their activities with the FBI. Indeed, on the day of his arrest, two FBI agents interviewed Afrasiabi and admitted they knew about his connection to Levinson's family "for many years."

(f) Defendant challenges the government to produce a viable explanation of why it went to a long coma for 13 years with respect to Afrasiabi's alleged "national security threat" dating back to 2007, which they readily admit in the complaint that they knew of as of back then? Does this make sense to anyone, except that they also knew Afrasiabi was operating under UN norms and it was legitimate and transparent, contrary to their claim that he worked "secretly."

Dear Judge Korman:

Defendant understands the bar for allowing a motion to dismiss at an early stage is very high and poses certain procedural issues. But the dictates of justice mandates an exceptional short cut in light of the past atrocities perpetrated against the Defendant under the guise of law, requiring judicial vigilance. Defendant is turning 64 in a few days and has a book contract for his next book on the future of US-Iran relations, from a reputable academic publisher, that has now been rudely interrupted by the onslaught of this latest falsehood perpetrated upon him. As Defendant's motion for the release of Grand Jury Evidence has competently shown, which can now be bolstered with case laws thanks to the newly-appointed standby counsel's assistance, there is ample evidence of withholding exculpatory evidence and deliberate misconduct on the part of prosecution in this case, warranting vacating the indictment and dismissing this frivolous complaint.

WHEREFORE, Defendant moves the court to hold a hearing on the motion to dismiss.

Respectfully Submitted,

Kaveh L. Afrasiabi. Pro Se

Certificate of Copy: A true copy of this Letter has been served on the Plaintiff on this date, February 7, 2021, under the pains and penalties of perjury.

Kaveh Afrasiabi